



Appeal Decision

Site visit made on 19 September 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13.10.2023

Appeal Ref: APP/U5360/Z/22/3307519

30-31 Shoreditch High Street, London E1 6PG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Maddalena Sanvito, Streetvox against the decision of London Borough of Hackney.
 - The application Ref 2022/0825, dated 29 March 2022, was refused by notice dated 29 July 2022.
 - The advertisement proposed is temporary decorative scaffolding shroud comprising 1:1 image of building facade and inset commercial advertisement measuring 6.9m x 7.4m.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance reiterate this approach. Therefore, while I have taken account of the policies and guidance that the Council considers to be relevant to this appeal, these have not been decisive in my determination of this appeal.
3. The appeal site is located within the South Shoreditch Conservation Area ('the CA'). I am therefore mindful of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas, in so far as it relates to the consideration of amenity.
4. I am aware of a recent dismissed appeal¹ relating to the appeal site for a scaffold screen shroud. On the information available to me, the scheme before me incorporates a smaller inset advertisement and seeks temporary consent for a shorter duration.

Main Issues

5. The main issues are the effect of the proposed advertisement on: i) the amenity of the area, including the CA; ii) the amenity of neighbours; and iii) public safety.

¹ APP/U5360/Z/21/3278765

Reasons

Amenity of the area

6. The appeal property is a part four-storey and part two-storey building along Shoreditch High Street.
7. Shoreditch High Street is a wide thoroughfare, along the eastern side of the CA. This thoroughfare represents an historic commercial route in and out of the City and was lined with buildings by the 16th century, its built form is predominantly characterised by subsequent Victorian and Edwardian commercial and industrial development, comprising substantial 4-5 storey frontages of premises with ornate architectural detailing lining parts of Shoreditch High Street. Also, some newer and taller buildings have been introduced to the area. Therefore, the history and architecture of the area contribute to the significance of the CA.
8. The appeal property is an historic building which occupies a prominent location in the centre of Shoreditch, where Shoreditch High Street meets Commercial Street. Together with 32 Shoreditch High Street it forms part of the apex corner between these two key routes. It is also located near to a busy four-way junction which is surrounded by a mix of prominent buildings. To the northern side of Commercial Street is the Grade II listed forecourt wall and gates to the Bishopsgate goods station. Given the area's predominant commercial character, there are advertisements of a range of types, sizes, and illumination in the area.
9. Even though there was scaffolding erected along the ground floor façade of the appeal property, this property benefits from an attractively designed traditional articulated façade which follows the line of the road. The appeal property also shares a degree of uniformity with the wider terrace that this is a part of. This includes a similar scale, fenestration and shopfront arrangements. This terrace complements the terrace of traditional properties on the opposite side of the road to the appeal site. Also, most of these buildings exhibit modest fascia signs which are incorporated into the shopfronts. These features and its location give the appeal property and the wider terrace a cohesive appearance and prominence within the street scene.
10. The appeal property has been vacant for a number of years and suffered some vandalism. The submitted 'Visual Inspection and Preliminary Report of Conditions' identifies some damage to the building and recommends a further survey and report of conditions by accessing the building via scaffolding.
11. Even so, the visual appearance of the appeal property is acceptable in the context of other buildings in the area which I observed. As such, this property continues to contribute positively to the street scene and the character and appearance of the area and the significance of the CA.
12. The proposal seeks temporary permission for a period of 6 months to erect a shroud around the scaffolding while the appeal property is further surveyed. This would display a 1-1 image montage of the host building and would incorporate an advertisement display approximately 6.9m x 7.4m.
13. Because of the on-going developments and refurbishments taking place in the area, scaffolding around buildings is not an uncommon sight. Nevertheless, the proposed scaffolding shroud would retain an impression of the building behind

and this would be a visually acceptable alternative to just scaffolding or a blank shroud. However, the large advertisement display would attract attention to something that it is designed to disguise, the scaffolding.

14. Furthermore, the advertisement display would be out of proportion relative to the majority of advertisements in the area and would appear incongruous. Given the prominent position of the appeal site along with the proposal's scale and associated illuminance, it would be highly visible from various places throughout the surrounding area. Most notably, it would be seen in short and long views from either direction along Shoreditch High Street or on approach to the appeal site from Great Eastern Street. These views would be from within the CA, where the advertisement would also be intervisible with the Bishopsgate goods station.
15. The proposal would result in the alteration of the appearance of this building and introduces a sizable advertisement display into the area. As a result of its scale and prominent location it would detract from the character and appearance of the terrace that the appeal property is a part of and the CA. Whilst I accept that the proposal would be in place for a temporary period, any diminution of the area's visual appeal, should be avoided if not fully justified.
16. The appellant asserts that the proposal is intended to provide much needed financial income to support the refurbishment of the host building. However, the extent of any refurbishment is unknown at this stage. Also, other than the proposed advertisement coinciding with the installation of the scaffolding, there is limited certainty that the proposal will eventually lead to a longer-term enhancement of this part of the CA and wider street scene. As such, I am not convinced that such considerations outweigh the harm to the amenity of the area arising from the proposal, albeit temporary.
17. I have taken account of the appeal decision relating to the grant of express consent for the display of a temporary scaffold screen advertisement at 32 Shoreditch High Street. Whilst I do not have the full details of that scheme, based on the appeal decision, that property was not in the CA at the time.
18. I have also been referred to other examples of large advertisements in the area. The Council has advised that the advertisement at 1 Great Eastern Street is subject to a removal notice, which has been appealed and is currently being considered by the Magistrates' Court. Whilst I observed that there is a large advertisement which wraps around a façade at 10 Great Eastern Street, this property is located outside the CA. At the time of my visit there were no large advertisements on 2-4 Great Eastern Street. The appellant's submissions also include photographs of other large advertisements. However, I have insufficient information about these to draw any meaningful conclusions. Moreover, it is unclear if any of these benefit from consent. As such, the above examples are not directly comparable to the appeal scheme and therefore attract limited weight.
19. For the above reasons, the proposal would harm the character and appearance of the CA. As such, the proposed advertisement would be detrimental to the visual amenity of the area.
20. I have had regard to policies D3, D4, D8 and HC1 of the London Plan (2021) and policies LP1, LP3 and LP7 of the Hackney Local Plan 2033 (2020) ('LP') in so far

as these are material to amenity. Given that the proposal would harm the visual amenity of the area, the proposal conflicts with these policies.

Amenity of neighbours

21. Although the Council has referred to residential units located in proximity to the proposed advertisement, those specifically identified are on the opposite side of Shoreditch High Street. Because of the road width here, there is appreciable separation between the appeal site and any upper floor accommodation on the opposite side of the road.
22. As already stated, the appeal site is located in a predominantly commercial area and adjacent to a junction. Most notably, there is street lighting on this junction. There is also lighting associated with nearby buildings and some signage.
23. The appellant has confirmed that the proposed illumination would be in the form of external lighting and would be directional, facing only onto the advert. In addition, the level of luminance proposed could be controlled by a condition if the appeal were to succeed and there is no technical evidence to suggest that the proposed level of luminance would be unacceptable in the context of this commercial urban area.
24. Against the above background, I am not persuaded that the illumination associated with the proposed advertisement would unacceptably harm the amenity of neighbours by way of light pollution.
25. I have taken into account Policies D3, D4 and D8 of the London Plan (2021) policies LP2 and LP7 of the LP insofar as these are relevant to protecting the amenity. Given that I have found that the proposal would not harm the amenity of neighbours, there would also be no conflict with these policies.

Public safety

26. The aforementioned four-way junction is controlled by a number of traffic lights. These control both vehicle traffic as well as enabling safe pedestrian crossing across a number of busy highway networks.
27. In determining the previous appeal, my colleague was of the view that the proposal would have the potential for both drivers and pedestrians to be confused or be distracted by the digitally illuminated colours within the proposed advert for colours displayed within the traffic light system.
28. However, as already stated, in the scheme before me, the size of the proposed advertisement display has been reduced. This would display static images and would be externally illuminated. Moreover, based on my observations, the extent of the advertising would be above the level of the existing traffic lights.
29. As such, the proposed advertisement is unlikely to reduce the clarity and effectiveness of the nearby traffic lights. Although the Council asserts that the area suffers from a high level of collisions, there is no evidence to support this or that this is linked to large illuminated advertisements.
30. I have taken into account policies D3, D4 and HC1 of the London Plan 2021, and policies LP2 and LP7 of the LP, insofar as these are material to matters of public safety. Given that I have concluded that the proposal would not harm public safety, the proposal does not conflict with these policies.

Other matters

31. I have noted the appellants observations in respect of the recently dismissed appeal. Nevertheless, I have visited the appeal site and assessed the scheme before me on its merits, which I have found to be unacceptable for the reasons set out above.

Conclusion

32. The proposal would not harm the amenity of neighbours or public safety. However, the proposal would harm the amenity of the area, for this reason the appeal should be dismissed.

M Aqbal

INSPECTOR